

4. Further delay in completing some of the depositions set forth in the Stipulation was brought about by the Petition to Intervene filed by Kearney Towing & Repair Center, Inc. (ECF 95), and Kearney's refusal to present any of its employee witnesses for deposition until Plaintiff's agree to not seek multiple depositions of the Kearney witnesses in a state court action against Kearney arising out of the same occurrence. Subpoenas were served to take the necessary depositions of the Kearney employees on August 22, 2019, but Kearney's counsel refused to present the witnesses in reliance on its Petition to Intervene.

5. Plaintiff requires the deposition of Goodyear's corporate representative and Goodyear employee, Michael Kearns, to be prepared for trial. Goodyear requires the depositions of the Kearney employees and the Kearney corporate representative(s), as well as one or more depositions of Dandee Concrete Construction Company, Inc. employees to be prepared for trial. The number and the identity of the Dandee Concrete Construction Company, Inc. depositions cannot be known until the Kearney depositions are completed.

6. Depending upon the timing of the Court's ruling on Kearney's Petition to Intervene, if the Kearney employee depositions can be completed in September, the parties anticipate the remaining depositions set forth in the Stipulation to be completed by November 15, 2019.

7. The parties are not asking the Court to alter any other deadlines. It is not anticipated this extension will alter any of the remaining deadlines, or the January 21, 2020 trial date.

WHEREFORE, Plaintiffs and Defendant respectfully request that the Court accept their Stipulation for extension of the Progression Order for the limited purpose of completing the specified depositions.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via the Court's electronic filing system, this 23rd day of August, 2019 to:

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